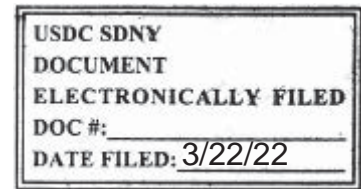


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Smart Team Global LLC,

Plaintiff,

–v–

Humbletech LLC, et al.,

Defendants.

19-cv-4873 (AJN) (BCM)

ORDER

ALISON J. NATHAN, District Judge:

On November 8, 2021, the Court referred Plaintiff’s motion for default judgment against Defendants to Magistrate Barbara C. Moses. Dkt. No. 66. On February 18, 2022, Judge Moses filed a Report & Recommendation recommending that the Court grant Plaintiff’s motion for default judgment against Defendants in part. Dkt. No. 67.

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no timely objections to the Report & Recommendation. *Banks v. Comm’r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at *1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm

conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-cv-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

As of this date, no objection to the Report & Recommendation has been filed, and the deadline for objections has passed. Thus, the Court reviews the Report & Recommendation for clear error, and it finds none.

The Court therefore adopts the Report & Recommendation in its entirety and GRANTS IN PART Plaintiff’s motion for default judgment against Defendants. The Court also orders (1) that judgment be entered in favor of Plaintiff and against Defendants, jointly and severally, in the amount of \$166,170.66 in actual damages and \$100,000 in exemplary damages; and (2) that both Defendants, together with all those acting in concert with them, are permanently enjoined and restrained from accessing, copying, duplicating, downloading, replicating, transmitting, or otherwise using the source code for STG’s Matteroom KM (PBM) software. Finally, Plaintiff is ORDERED to submit its application for an award of its reasonable attorney’s fees and costs within 30 days of the entry of judgment.

This resolves docket number 60. The Clerk of Court is respectfully directed to enter judgment in accordance with the Report & Recommendation and to close the case.

SO ORDERED.

Dated: March 22, 2022
New York, New York



ALISON J. NATHAN
United States District Judge